



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
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ATLANTA GEORGIA 30303-8960

August 16, 2010

Mr. Mark Bartlett, P.E.
Division Administrator
Federal Highway Administration
95000 Wynlakes Place
Montgomery, Alabama

**SUBJ: EPA Review of I-85 Extension
Draft Environmental Impact Statement (DEIS)
From I-59/I-20 near the Mississippi State Line to I-65 near Montgomery
Portions of Autauga, Dallas, Hale, Lowndes, Marengo, Montgomery, Perry
and Sumter Counties, Alabama.
CEQ No: 20100243 and ERP No: FHW-E40832-AL.**

Dear Sir:

Pursuant to Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act (NEPA), EPA Region 4 has evaluated the consequences of constructing, a new **113 to 129** mile multi-lane, access controlled interstate between Sumter and Montgomery Counties in Alabama. The project is expected to cost between \$2.5 billion and \$2.1 billion and has received partial funding from the U.S. Congress and the State of Alabama.

The proposed I-85 extension project, which is projected to carry an average daily traffic in 2030 of 16,880 to 30,970 vehicles per day, will include four 12-foot lanes, ten-foot paved outside and six-foot paved inside shoulders, a 90-foot depressed, grassed median, 21 to 29 interchanges, and a 400-foot right-of-way. According to the DEIS, the proposed interstate connector is intended to improve the system's linkage between I-85 in Montgomery, Alabama and I-59 /I-20 near the Mississippi State Line and connect to the Montgomery Outer Loop, provide a safe and efficient transportation corridor and enhance economic development in the Black Belt and other areas in the Region.

The DEIS examines multiple alternatives including a no-build alternative, a transportation systems management alternative, mass transit and thirty-six build alternatives. These build alternatives are comprised of various nodal combinations that are included in either the west, mid and east sections of the project area. The DEIS identifies a preferred alternative (Alt. 31). According to the DEIS, this alternative was selected based on environmental, social, economic, engineering and other considerations.

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The DEIS indicates that the proposed project may impact 809 to 684 acres of wetlands (preferred 755 acres), 5 303(d) streams, (preferred 1- Cottonwood Creek), 1,550 to 996 acres of floodplain (1,254 acres preferred), 305 acres of wildlife/vegetative habitat, 4,357 to 3,289 acres of farmland (preferred 4,106 acres), 5 to 1 business relocations (preferred 1), 125 to 37 residential relocations (preferred 52), 67/48 to 16 minority (38 preferred -73% minority owner) and 32 to 9 low-income populations (11 preferred -21% low-income) relocations, 15 to 6 (7 preferred) predicted archeological sites within 100 meters of the centerline, one historic site (0 preferred), 5 hazardous materials sites (1 preferred) and 35 to 4 sites (preferred 9) approach or exceed the Noise Abatement Criteria (NAC) and 37 to 3 sites (preferred 8) would experience noise increases of 15 dBA or greater. All of the proposed build alternatives cross the Tombigbee and Alabama Rivers. Consequently, EPA has detailed environmental and socioeconomic comments enclosed (See EPA Detailed Review Comments).

Although we understand the difficulty of doing detailed site assessments of multiple alternatives, a preferred alternative has been identified. Overall, the DEIS describes substantive impacts to environmentally important resources. Important information is missing for key resource areas such as aquatic resources (i.e. missing discussions on wetlands and stream assessment methodologies, quantity and type of streams that will be impacted) and deferring until the FEIS a meaningful discussion regarding minimization and /or mitigation of strategies. Given the magnitude of the impacts and missing information in key resource areas, EPA has assigned this project an EC-2 rating meaning we have environmental concerns and additional information is requested. Further efforts to evaluate, avoid, minimize and mitigation impacts are needed.

Thank you for the opportunity to comment on this proposed action. We look forward to working with FHWA and ALDOT, to address any identified concerns. If we can be of further assistance, please contact Ms. Ntale Kajumba of the NEPA Program Office at (404) 562-9620 or kajumba.ntale@epa.gov, Rosemary Hall of the Wetlands Regulatory Section at (404) 562- 9846 or hall.rosemary@epa.gov.

Sincerely,



Heinz Mueller, Chief
NEPA Program Office
Office of Policy and Management

Cc: Mr. Joe McInnes

**EPA Comment Reviews on
Draft Environmental Impact Statement (DEIS)
I-85 Extension from I-59/I-20 near the MS State Line to I-65 near Montgomery**

Environmental Commitments/Requirements Table: EPA notes that there are no summary tables in the Executive Summary Section of the DEIS that describe ALDOT's environmental commitments and requirements or the persons responsible for implementing those commitments.

Recommendation: EPA recommends that FHWA, USDOT and ALDOT develop a matrix to describe both ALDOT's environmental commitments and requirements for the proposed project, and the status of these commitments. The status of the commitments should state when the commitments will be fulfilled, in which phase of the project commitments be complete, and who will be responsible for ensuring those commitments are met. In addition, the environmental impact commitments should be as specific as possible. For example, how much bridging, etc is anticipated to minimize floodplain impacts.

Summary Table of Comparison of Alternative Combinations and Summary of Impacts: EPA notes that there is no summary table in the executive summary that depicts the magnitude and level of impacts associated with each of the alternatives.

Recommendation: The FEIS should include a summary table that includes at a minimum information regarding the magnitude of environmental impacts associated with each of the refined project alternatives. For example information should be included on wetland and linear feet of streams, number of stream crossings, noise impacts, business and residential impacts, farmland, floodplains, and hazardous material impacts, etc. Numbers or quantities in the summary table should be consistent with the number of impacts discussed in the body of the FEIS.

Alternatives: According to the DEIS, the preferred alternative was selected based on environmental, social, economic, and engineering considerations. EPA notes that section 2.7.1 discusses the process used to identify the preferred alternative. This information is valuable (pages 81-83) and should be used in conjunction with a more complete matrix. It is difficult to compare all of the various alternate alignments independently from an environmental and socioeconomic perspective. The alternatives comparison matrix does not include a full array of potential environmental and socio-economic impacts and benefits (i.e. wetlands, floodplain, linear ft of streams, river crossings, impaired waterbodies, noise, relocations, hazardous materials, archeological and historic resources, etc). In addition, there is no matrix or matrices in DEIS-Volume 1 that allow(s) the reviewer to compare alternatives within each segment (west, mid, east) based on a full suite of potential environmental and socioeconomic considerations.

Recommendation: The FEIS should include meaningful comparison matrices given the numbers of alternatives presented in this document and the variety of environmental and socioeconomic criteria that need to be compared within each section's alternative alignments. These matrices should include various environmental and socioeconomic criteria to facilitate the independent assessment of the various impacts and benefits. Without that, it is difficult to fully and appropriately assess whether the preferred alternative incorporates the environmentally preferable alignment in each of the segments (west, mid and east) and if not what is the rationale. Consequently, a matrix or matrices with the western, mid and eastern sections should be incorporated that enables the reviewer to clearly compare the segment alternative alignment to one another based on a full suite of environmental and economic criteria.

River Crossings and Watersheds: All of the proposed build alternatives would cross the Tombigbee and Alabama Rivers. In addition, the proposed project has the potential to cross many waterbodies including:

- Bofue Chitto Creek
- Sucarnoochee River
- Cahaba River (not Alt 31)

The Cahaba River, Bogue Chitto Creek and Sucarnoochee River Watersheds represent sensitive resources. According to the DEIS, appropriate measures for crossing the Bogue Chitto Creek will be determined and documented in the FEIS. Complete bridging of the creek is feasible. The Sucarnoochee River will be crossed by the Preferred Alternative (Alt 31). In this case, ALDOT's Bridge Bureau indicates that complete spanning of the Sucarnoochee River is not practical or economical. The DEIS indicates that span lengths of 130 to 140 feet will be considered during the design of the river crossing unless shorter spans are appropriate.

Recommendations: The DEIS states that "bridging will be utilized to further minimize potential impacts to resources that cannot be avoided." EPA commends this approach and requests greater detail in the FEIS on the specific locations and types of bridging that will be utilized, and how ALDOT will maximize connectivity of aquatic flows and habitats.

Wetlands and Streams Impacts: Wetland areas were identified using National Wetland Inventory (NWI) maps. NWI identified the basic types of systems that are present including riverine, lacustrine, emergent, forested, scrub-shrub and palustrine wetland systems. The DEIS does not identify the jurisdictional status of wetlands nor does it provide detailed information regarding quality and functions of each wetland. The DEIS includes no information about the magnitude or nature of stream impacts, other than to indicate that some of the streams in the project area are impaired.

Recommendation: In order to fully assess proposed project impacts and alternatives, specific information should be provided in the FEIS about the quality and functions of each wetland, using assessment procedures such as the South Florida Water Management District's Wetland Rapid Assessment Procedure (WRAP). The FEIS should also include

information and indication of their jurisdictional status of these wetlands. In addition, the FEIS also needs to include information about the nature of the stream resources that will be affected and linear footage of direct and indirect impacts.

Aquatic Resource Mitigation: Compensatory mitigation should also be evaluated on a watershed-based approach. The DEIS does not describe potential opportunities for wetland and stream mitigation. However, the DEIS provides generic information regarding the quality of the wetland resources in the area. The quality of the wetland resources are identified as high to medium.

Recommendation: The DEIS should include a draft mitigation plan to compensate for predicted wetland and stream losses that remain following efforts to avoid and minimize such impacts. The document should discuss mitigation on a watershed basis. The compensatory mitigation proposed should comply with the “2008 Compensatory Mitigation for Losses of Aquatic Resources; Final Rule” which is better known as the 2008 Mitigation Rule (the Rule). All former Regulatory Guidance Letters (RGL) and Guidance (e.g., Mitigation Banking Guidance, 1995) with the exception of the 1990 Mitigation Memorandum of Agreement have been subsumed by the 2008 Mitigation Rule.

The FEIS should include information regarding the basic approach that will be used to address issues related to compensatory mitigation (e.g., use of a mitigation bank, assessment methodology, and baseline information). We note that the DEIS states that “both direct and indirect impacts to wetlands would be subject to appropriate mitigation.” The compensatory mitigation approach should also address temporal losses, as well as all three types of loss for streams.

Water Quality Impacts: The DEIS identifies five impaired water bodies that do not meet water quality standards or their designated uses and the status of development of Total Maximum Daily Loads (TMDLs) for each waterway in the study area. Cottonwood Creek in Marengo County is crossed by the preferred alternative (Alt. 31) and is impaired for organic enrichment, dissolved oxygen, siltation, and nutrients due to municipal and pasture grazing. A draft TMDL is scheduled for 2014. Other listed waterbodies located within the project area include: Catoma Creek (from Ramer Creek to the Alabama River) listed for pathogens (no TMDL), Autuga Creek listed for unknown causes (draft TMDL scheduled for 2012), Pintlalla Creek listed for pathogens (draft TMDL scheduled for 2012), and Childers Creek listed for siltation (draft TMDL scheduled for 2012).

Section 230(c) of the Clean Water Act prohibits discharges that cause or contribute to significant degradation of waters of the United States. Significant degradation can include individual or cumulative impacts to human health and welfare; fish and wildlife; ecosystem diversity, productivity and stability; and recreational, aesthetic or economic values. Non-point source pollution associated with project construction can often cause erosion or sedimentation problems downstream. Consequently, appropriate steps should be taken to address potential impacts to water quality within streams and wetlands and to not adversely impact the continued existence of critical habitat for endangered or

threatened species in accordance with 40 Code of Federal Regulations (CFR) Section 230.10(b).

Recommendation: The FEIS should include a commitment that ALDOT will work with Alabama Department of Environmental Management to determine what pollution control measures should be adopted to advance the State's nonpoint source management plans in the project area. All feasible means should be incorporated to reduce storm water runoff and siltation during the construction phase, including but not limited to the use of silt fences, barriers, and storm water detention facilities, where appropriate. The FEIS should include a list of the special BMPs and probable design features that will be utilized on this project to protect water quality.

1. Bridging with scuppers avoided in all bridge designs; bridging to maximum extent practicable over major water bodies, impaired water bodies, high and medium quality wetlands and associated floodplain areas.
2. Reduction of required right-of-way by combining outside guard rails with vertical wall or 3:1 slopes with approximately 24' wide inside medians with Jersey barriers separating the two directions of traffic;
3. All bridge and road stormwater run-off collected over waters of the United States and 100-year floodplains to be directed to retention/detention ponds constructed in upland areas outside the 100-year flood plain;
4. Wildlife crossing associated with all palustrine forested riparian waters of the United States that includes maintaining native vegetation up to the edge of the bridge; and
5. Aquatic and aquatic dependent fish and wildlife movement and migration through any culverts should include inverted designs, i.e., below grade with appropriate gravel sized substrate placed above the culvert bottom to historical grade elevation.

In addition, there should be information regarding the entities that will be responsible for their implementation and oversight.

Air Quality: The DEIS indicates that MOBILE 6.2 and CALINE models were run to demonstrate carbon monoxide (CO) emissions along the proposed I-85 extension with the highest projected traffic volume "worst case." The results indicate that CO emissions will not exceed the National Ambient Air Quality Standards. In addition, the DEIS indicates that an air quality analysis will be performed modeling one-hour or eight hour CO from Roadway intersections. EPA notes that the air quality sections of the DEIS do not address air toxics.

Recommendations: The FEIS should compare the project alternatives with respect to the potential for each to cause impacts related to air toxics. The FEIS should also define the term hot-spot and provide the methodology used in the hot-spot evaluation in 4.7.4.1. In addition, an explanation should be included in the FEIS indicating why the modeled speed used in the MOBILE 6.2 run is 60.7 mph when the marked speed will be 70 mph.

Interchanges: Appendix M page 22-Table 10 entitled Alternative Result by development and Cost index indicates that the number of interchanges on alternatives 31 is 25 and other segments of the document and maps indicate that 27 interchanges are proposed.

Recommendation: This information should be clarified to ensure that the numbers of interchanges and the use in analytical studies are consistent. If not, then the FEIS should explain the reason for the difference and the effect that it could have on the assessment of project impacts and benefits.

Environmental Justice: Six Black Belt Counties (Dallas, Hale, Lowndes, Marengo, Perry and Sumter Counties) are located in the project area. The proposed I-85 Extension project will impact minority and low-income populations. The majority of the relocations impacts will affect EJ populations. Table 40 - Relocation impacts on Minorities indicate that the project will result in 48 to 16 minority-owner relocations. However, the narrative on page 196 entitled, “Environmental Justice Conclusions” indicates that 67 to 16 minority-owners would be relocated (38 preferred/73%). The total number of minority tenant relocations range from 28 to 13 (preferred 13) according to Table 40. Low-income families that expect to be relocated range from 32 to 9 (preferred 11). EPA notes that some of the more rural areas along the project corridor may not have sufficient available replacement housing and housing of last resort may be required. Nevertheless, the DEIS indicates that the potential benefits to these populations will outweigh the potential adverse impacts.

Recommendations: The projected number of minority-owner relocations should be verified and accurately presented in the FEIS. It would be helpful to indicate whether there are specific concentrations of relocations that may affect the character and the fabric of the community. For example, the noise section discusses the possibility of noise barriers around 17 mobile homes. Are the relocations spread out across the project area or are they concentrated in smaller areas? If so, are these relocations expected to affect the fabric of their communities? In addition, other than relocations and noise, are there other potential adverse effects to these populations that could occur (i.e. from local road closures, interference with pedestrian paths, increased tax burden to support the highway project) that should be discussed in this section? Furthermore, the EJ section referenced a 2007 report on the effects of transportation access to the Appalachian Region that indicates that there were net benefits associated with job creation and increased productivity. Specific benefits to EJ communities should also be identified in the FEIS. EPA recommends that the FEIS address these issues/questions.

Socioeconomic Impacts: The DEIS states that the corridor would have a positive effect on the Black Belt Regions. It would enhance economic development by creating jobs and enhance the communities’ ability to compete for business because they have access to a more efficient route for the movement of goods through the area. Disadvantaged persons living in this region would have greater transportation access to health services.

This section does not reflect some of the costs associated with the project, such as the maintenance cost or increased tax burden. Neither does it demonstrate how and to what extent communities that are in the Black Belt will be able to benefit from the job creation. EPA notes that jobs will be created, but what is the projected job creation goal for members of the affected community--both transient and permanent? What level of growth is anticipated in the proposed project area as a result of the proposed project? Do most people in the community (Black Belt Counties) use cars to go to work or are they dependent on public transportation as a means to access places of employment? Will communities in the proposed project area have access to interstate connector via public transportation (buses) and what amenities would attract tourists to these areas?

Recommendation: The FEIS should describe how and to what extent the proposed level of growth or job creation is anticipated to benefit the immediate and affected communities (Black Belt residents) not just the region as a whole. In addition, any financial burdens that may be associated with the project should be discussed. EPA notes that the DEIS clearly document the limitations of just providing a new interstate with new interchanges for economic development purposes. It is the combination of the new interstate and other social initiatives in the area (i.e. educational opportunities, job training and opportunities, and other social and cultural activities) that will help the immediate project area develop economically. The DEIS states that several economic development efforts are underway in the region, but does not indicate whether and how those initiatives and this project are being linked to facilitate a better outcome for the affected communities.

Are FHWA and ALDOT working with other governmental and nongovernmental entities along the proposed corridor to encourage and promote opportunities for meaning economic and sustainable development? EPA recommends that the FEIS address these issues in the FEIS

Changes in Travel Patterns: According to the DEIS, all railroad crossing would be grade-separated, and there would be modifications to existing local roads, including road closures, road relocations, and grade separations. Pedestrian and bicyclist facilities associated with the I-85 Extension project are not proposed, but ALDOT and FHWA indicate that existing sidewalks and pedestrian/bicyclist facilities would be accommodated by the project. EPA notes that efforts were made to identify existing bicycle or pedestrian facilities by canvassing four regional planning and development organizations and three cities. No pedestrian or bicycle facilities were identified in the eight county project area.

In addition, the DEIS discusses the benefits to children from the proposed interstate, but no adverse impacts or other vulnerable populations (elderly) are discussed. Studies show that health and social impacts due to changes in transportation systems and local roadway connectivity may be more severe in older populations who rely more heavily on pedestrian infrastructure and/or transit (Balfour and Kaplan, 2002).

Recommendation: Opportunities should be sought to accommodate alternate forms of transportation along the project corridor. The DEIS indicates that these opportunities may be provided at roadway terminations, relocations, crossovers, etc. EPA encourages ALDOT to work with regional planning and development organizations and community residents including vulnerable populations to determine where facilities along the proposed alignment are most needed and desired. Community residents or businesses may also be aware of walking trails that exist with their community or along the corridor.

The FEIS should also identify vulnerable populations within the project area and how these populations, such as the elderly or children, will or will not be potentially impacted (both beneficially and adversely). If information is available, data should also be included regarding vehicle ownership among the local residents.

Noise: A noise screening analysis was conducted to identify sensitive receptors. The Noise Impacts Section (4.12) explains the criteria used to determine noise impacts, abatement criteria, and potential abatement measures. Table 50 –Potential Noise Impacts - indicates that 35 to 4 sites (preferred 9) approach or exceed the Noise Abatement Criteria (NAC) and 37 to 3 sites (preferred 8) would experience noise increases of 15 dBA or greater. The DEIS considered abatement strategies including: constructing noise barriers, acquiring real property, altering alignments, and insulation noise sensitive sites. Shifting alignments along the preferred alternative helped to minimize and avoid impacts along some of the nodal segments. Detailed noise analysis is planned for inclusion in the FEIS for specific nodal segments like U-Z. Noise barriers are considered for 17 mobile homes in a mobile home park that will be impacted (not the preferred alternative).

Recommendation: Additional noise analysis will be reviewed at the FEIS including mitigation efforts. EPA recommends that ALDOT make every effort to reduce and eliminate the noise impacts by shifting the alignments within the corridor as described. EPA appreciates the meaningful consideration of noise barriers along the project corridor as a means to reduce noise impacts and impacts to human health.

Visual Effects: EPA notes that ALDOT and FHWA is working with the National Park Service (NPS) regarding potential visual impacts to the Selma Montgomery National Historic Trail (SMNHT) to avoid or reduce impacts to this historically significant area. According to the DEIS, there will be adverse visual effects to the SMNHT associated with an I-85 interchange, but the preferred alternative would not require an interchange with US 80 and SMNHT.

Recommendation: EPA supports efforts made to avoid adverse impacts to the SMNHT while providing access to those communities. This project should incorporate context sensitive design elements, where appropriate. EPA is currently engaged in a collaborative American Recovery and Reinvestment Act and Sustainable Communities project partnerships with FHWA, ALDOT, NPS and many other governmental and non-governmental organizations on the Selma-Montgomery trail to support the community's effort to work on developing their communities in an environmentally sustainable manner.